

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PHILIP L. TROPEANO, PETER TROPEANO,  
CAROLYN PATTON,

Plaintiffs

v.

CHARLENE DORMAN, BIANCA DORMAN,  
LYDIA DORMAN, TODD DORMAN,  
T&N REALTY TRUST AND  
CAPTAIN PARKER ARMS PARTNERSHIP,

Defendants

CIVIL ACTION  
CASE NO. 03CV12231 (RGS)

**DEFENDANTS' MOTION TO DISQUALIFY**  
**PLAINTIFFS' COUNSEL**

Defendants Charlene Dorman, Bianca Dorman, Lydia Dorman, Todd Dorman, T&N Realty Trust and Captain Parker Arms Partnership move for an order of disqualification precluding Attorneys Frederick and Matthew Conroy, counsel for plaintiffs Philip L. Tropeano, Peter Tropeano and Carolyn Patton from continuing to represent the plaintiffs in this litigation. The grounds for the motion are that Frederick Conroy has historically represented each of the parties involved in the litigation in matters that are substantially the same or similar and thus is precluded by the Massachusetts Rules of Professional Conduct from representing one interest against the others in this litigation.<sup>1</sup> The defendants have filed an Affidavit of Charlene Dorman and a memorandum of law in support of this motion to disqualify, which they incorporate herein by reference.


<sup>1</sup> Additionally, it appears that Attorney Matthew Conroy, son of Frederick Conroy, is likely hampered by the same issues of disqualification that pertain to his father.

For all of the reasons cited in the accompanying memorandum of law, the defendants respectfully request that Attorney Frederick Conroy be disqualified from continued representation of the plaintiffs in this litigation.<sup>2</sup>

### **CONCLUSION**


For the reasons cited above, defendants respectfully request that their motion to disqualify counsel for the plaintiffs be granted.

Respectfully submitted,  
CHARLENE DORMAN, BIANCA  
DORMAN, LYDIA DORMAN, TODD  
DORMAN, T&N REALTY TRUST and  
CAPTAIN PARKER ARMS  
PARTNERSHIP,  
By their attorney,

  
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Gary C. Crossen (BBO#106580)  
Rubin and Rudman LLP  
50 Rowes Wharf  
Boston, MA 02110  
(671) 330-7000

### **Local Rule 7.1(2) Certification**

I, Gary C. Crossen, counsel for the defendants in the above matter certify that I have conferred with counsel for the defendants in a good faith effort to resolve or narrow the issues presented by this motion and have been unable to do so.


  
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Gary C. Crossen

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<sup>2</sup> The plaintiffs also move for disqualification of Attorney Matthew Conroy. As grounds for such disqualification, plaintiffs urge that the same policy reasons which apply to imputed disqualification of a law firm pursuant to Rule 3:07 §1.10, should be applied to the representation of plaintiffs by Attorney Matthew Conroy, the son of Attorney Frederick Conroy. Absent disqualification of Matthew Conroy, plaintiffs respectfully request that he be directed not to consult with Frederick Conroy in connection with the future litigation of this matter.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of February, 2004, I sent a copy of the foregoing by overnight mail to Frederick J. Conroy, Esq., 114 Waltham Street, Lexington, MA 02421 and to Matthew J. Conroy, Esq., Belesi & Donovan, P.C., 1225 Franklin Avenue, Suite 400, Garden City, NY 11530.

  
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Gary C. Crossen *lhc*